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NEW YORK NY 10017

In re Application of :
HINTZE et al. :
Application No.: 10/542,479 : NOTIFICATION
PCT No.: PCT/EP2004/000243 :
Int. Filing Date: 15 January 2004 :
Priority Date: 17 January 2003 :
Attorney Docket No.: RW-173PCT :
For: CERAMIC CUTTING TOOL WITH AN EDGE :
AREA, METHOD FOR THE PRODUCTION :
AND USE THEREON :

This notification is in response to applicants' "RESPONSE TO NOTICE OF DEFECTIVE RESPONSE" filed in the United States Patent and Trademark Office (USPTO) on 31 July 2006.

BACKGROUND

On 15 January 2004, applicant filed international application PCT/EP2004/000243, which designated the U.S. and claimed a priority date of 17 January 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 05 August 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 July 2005 (17 July 2005 being a Sunday).

On 14 July 2005, applicant filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and an unexecuted declaration of inventors.

On 21 February 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b), the surcharge under 37 CFR 1.492(h), a translation of the international application into English, and the processing fee under 37 CFR 1.492(i) were required. The NOTIFICATION set a two-month extendable period for response.

On 18 April 2006, applicants filed an executed declaration of inventors, a purported translation of the international application into English, the surcharge under 37 CFR 1.492(h), and the processing fee under 37 CFR 1.492(i).

On 20 July 2006, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the response filed 18 April 2006 was acknowledged but that the requirements set forth in the NOTIFICATION OF MISSING REQUIREMENTS mailed 21 February 2006 had not been met. Specifically, it was indicated that the text in the drawings had not been properly translated. This NOTIFICATION set a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the NOTIFICATION OF MISSING REQUIREMENTS mailed 21 February 2006, whichever was longer. This Notification also noted that no extension of this time limit may be granted under 37 CFR 1.136, but that the period for response set in the NOTIFICATION OF MISSING REQUIREMENTS mailed 21 February 2006 may be extended under 37 CFR 1.136(a).

On 31 July 2006, applicants filed the instant "RESPONSE TO NOTICE OF DEFECTIVE RESPONSE" stating that the translation filed 12 April 2006 included an English translation of the foreign wording appearing in the drawings.

DISCUSSION

The translation filed 18 April 2006 is not an accurate translation of the international application as filed. The translation of text matter in a drawing must be in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew. PCT Rules 76.5 and 49.5(d). The translation filed 18 April 2006 contains foreign text in the drawings. Thus, the translation is defective. An accurate translation of the international application as filed is required in order to comply with 35 U.S.C. 371.

CONCLUSION

The application is abandoned as to the United States of America for failure to provide a proper response to the NOTIFICATION OF MISSING REQUIREMENTS mailed 21 February 2006 within the time period set therein.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for preparation and mailing of a NOTIFICATION OF ABANDONMENT.



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